

PLANNING COMMISSION APPROVED MINUTES OF 09/20/04

2004-0584 – Amanda Estes [Appellant]: Appeal of a decision by the Director of Community Development denying the removal of a large Redwood Tree. The property is located is at **794 Steuben Drive** in an R-1 (Low Density Residential) Zoning District. (APN: 202-17-029) SD

Trudi Ryan, Planning Officer, presented the staff report. She provided the history of the tree removal permit noting that removal of three redwood trees was requested and two were approved for approval and one tree to be retained. She stated that the appellant indicated that the remaining tree limits use of her garden around the tree, that she expressed concerns about the tree's strength and the stability, damage to remaining tree as result of the removal of the two trees and the tree's potential hazard due to falling limbs. Staff was not able to make required Findings and recommended denying the appeal and uphold the decision of the Director of Community Development denying the removal of the redwood tree.

Chair Moylan asked staff to address the appellant's concerns that the removal of two trees would damage the remaining tree. Mr. Leonard Dunn, City Arborist, responded that it depends on the removal process preventing root damage. He recommended the proper way in removing the two trees that the stump should only be taken out approximately six inches from the ground where it enters the ground, leaving the remaining roots. He added that the roots will not grow back since they have been severed from the upper part of the tree.

Vice Chair Hungerford asked Mr. Dunn what are the risk of having only one tree left as the appellant's experienced limbs falling down. Mr. Dunn responded that the trees appear to be water deficient and unhealthy. He recommended to water the tree especially during summertime to keep them healthy and to shorten the branches to prevent the limbs from falling down.

Comm. Klein asked Mr. Dunn about the rating of 70% whether there is an opportunity to make the rating better if watered. Mr. Dunn responded that it was an independent rating given by an independent arborist at the time it was reviewed and yes there is room for improvement by watering to prevent decline.

Comm. Klein further asked staff whether retaining one tree would be a detriment by itself. Mr. Dunn responded that Redwoods protect each other. He added that with the lack of water the tree would be less stable.

Chair opened the public hearing.

Amanda Estes, appellant, provided a history of the trees that these trees are part of a grove of approximately 10 trees. She stated that she was been working with several arborists on how to keep these trees healthy. She added that last

winter, large limbs fell on their yards and neighbors' property which caused them to worry. She further added that with a health rating she has even more concern. She stated that two trees were approved for removal but the remaining tree is not as healthy and would be a potential hazard. She also noted that the tree limits her use of the backyard and that it is not structurally sound. Further, she stated that professional arborists have different opinions on how to care for these trees. She stated that she is a tree lover but is extremely concerned with the potential hazard of the tree. Further, she noted that two letters from the neighbors supporting the removal of the tree. She urged the Commission to approve the removal of the tree with the additional argument that the tree is limiting the use of the space.

Chair Moylan asked Ms. Estes if she has a written report from an independent arborist. Ms. Estes responded no as the arborist gives a verbal report and spoke with the City Arborist. A written report would be an additional cost.

Further Chair Moylan asked Ms. Estes what is she proposing to use for the space. Ms. Estes responded that she is willing to plant another tree and some other plants. The stump on the ground is limiting the use of the space.

Comm. Fussell asked staff if the removal of the two trees would improve the health of the remaining tree. Mr. Dunn responded that in the beginning it would not but overtime, since there would be no competition, the remaining tree would improve.

Robert McCormick, resident, provided the history of the growth of the neighborhood and the planting of Redwood Trees. He shared his experience about his Redwood Trees that were of concern with falling top and limbs. He stated that trees sway and twist. He noted that his application for a tree removal was denied and later approved. He further noted that the appellant's trees were behaving the same and urged the Commission to approve the removal of the taller tree that is being retained. He felt that keeping one tree is a disaster about to happen. He urged the Commission to grant the appeal and approve the removal of the tree.

Harriet Rowe, resident, shared her experience about a Redwood Tree, its activities, hazard and expense in keeping the tree. She stated that she loves trees but there are times that trees could not be preserved. She urged the Commission to grant the appeal and approve the removal of the tree.

Chair Moylan closed the public hearing.

Comm. Fussell made a motion on Item #2004-0584 to grant the appeal and approve the removal of the Redwood Tree. Comm. Babcock seconded.
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Comm. Fussell commented that it is a difficult decision because of the added value of trees in the City. However, he has concerns that although the tree is relatively healthy but the removal of the two trees, overtime it would be a concern. He was able to make Findings #2 for the tree being hazardous.

Comm. Sulser did not support the motion. He was unable to make the required Findings and absent of information that the tree is not healthy, he cannot approve the removal of the tree.

Chair Moylan concurred with Comm. Sulser that absent of a report indicating that the tree is unhealthy, he was unable to make the required Findings.

Comm. Klein did not support the motion. He stated that the tree has 50 years life expectancy. He further stated that any tree in the City could conceivably fall and could cause harm. He was unable to make the required Findings since there no health issue on the remaining tree.

Vice Chair Hungerford supported the motion. Based on public testimony, the trees cause problems, falling branches, damage to the house, therefore a potential hazard. He was able to make the required Findings.

Motion failed 3-3 with Chair Moylan and Commissioners Klein and Sulser dissenting.

FINAL MOTION:

Comm. Klein made a motion on Item #2004-0584 to continue to 10/11/04 for a full Commission. Comm. Fussell seconded.

Motion carried 6-0 with Comm. Simons absent.